

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**JAMES J. NIZZO AND VIRGINIA C. NIZZO, As
Joint Tenants, and CARLO CILIBERTI, On Behalf
of Themselves And All Others Similarly Situated,**

Plaintiffs,

v.

**BIOPURE CORPORATION, THOMAS A. MOORE,
CARL W. RAUSCH and RONALD F. RICHARDS,**

Defendants.

CASE NO. 04-10065-NG

**ASSENTED-TO MOTION FURTHER EXTENDING TIME TO
ANSWER, MOVE OR OTHERWISE RESPOND TO
PLAINTIFFS' CLASS ACTION COMPLAINT**

Defendants Biopure Corporation, Thomas A. Moore, Carl W. Rausch and Ronald F. Richards hereby move for an Order further extending the time to answer, move or otherwise respond to Plaintiffs' Class Action Complaint up to and including forty-five days after the Consolidated Amended Class Action Complaint has been filed.

In support of their motion, Defendants state as follows:

1. Defendants currently have until March 15, 2004 to answer, move or otherwise respond to Plaintiffs' Class Action Complaint.

2. Plaintiffs in this matter and all related securities class actions have filed motions to consolidate, appoint lead plaintiffs and approve Plaintiffs' selection of lead counsel ("Plaintiffs' motions") which are currently pending. Once Plaintiffs' motions have been decided, a Consolidated Amended Class Action Complaint will be filed.

3. Counsel for Plaintiffs in this matter have assented to the further extension of the deadline provided by the Fed. R. Civ. P. for response to the Class Action Complaint to forty-five days after the Consolidated Amended Class Action Complaint has been filed.

WHEREFORE, Defendants respectfully request that the Court enter an Order further extending the time for Defendants to answer, move or otherwise respond to Plaintiffs' Complaint up to and including forty-five days after the Consolidated Amended Class Action Complaint has been filed.

**BIOPURE CORPORATION, THOMAS A.
MOORE, CARL W. RAUSCH AND RONALD
F. RICHARDS,**

By their attorneys,

/s/ Eunice E. Lee

Robert A. Buhlman, BBO #554393

Eunice E. Lee, BBO #639856

BINGHAM McCUTCHEN LLP

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Boston, MA 02110

(617) 951-8000

Dated: March 15, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was electronically served upon the attorney of record for each party on March 15, 2004.

/s/ Eunice E. Lee

Eunice E. Lee